

**AN ORDINANCE  
BY: COUNCILMEMBER**

**UEZ-03-06  
March 3, 2003**

**AN ORDINANCE TO CREATE THE "AUBURN GLENN MIXED-USE RESIDENTIAL/  
COMMERCIAL ENTERPRISE ZONE", TO BE LOCATED AT 49 BOULEVARD, S.E.,  
AND FOR OTHER PURPOSES.**

**NPU "M"**

**COUNCIL DISTRICT 5**

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**WHEREAS** an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS** enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

**WHEREAS** the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial purposes if certain conditions are met; and

**WHEREAS** the designation of a mixed-use residential/commercial enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

**WHEREAS** certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

**WHEREAS** State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

**WHEREAS** the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

**WHEREAS** it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

**WHEREAS** the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone;"

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the “Auburn Glenn Mixed-Use Residential/Commercial Zone”, are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

**Section 2:** The “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” is hereby created for the subject property at 49 Boulevard, SE, which represents property parcel code number (PCN) 14-0045-0002-087. The effective date of all exemptions established therein shall be January 1, 2004. The “Auburn Glenn Mixed-Use Residential/Commercial” Enterprise Zone shall be abolished on December 31, 2013. The “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” shall otherwise not be abolished except as provided in State law. A legal description and map of the “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” are attached hereto as Exhibit “A” and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3.** The “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” shall be developed as a mixed-use development project, which shall consist of 271 apartment units within approximately 242,034 square feet of building space, plus approximately 11,000 square feet of commercial space. The project shall be constructed in one phase and shall contain approximately 253,034 total square feet of building space.

**Section 4.** The development of the “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” shall meet or exceed the housing affordability requirements for urban enterprise zone designation, which are defined as follows: twenty percent (20%) of the units for rent, if any, and ten percent (10%) of the units in each housing type and bedroom composition, shall bear monthly rents which do not exceed thirty percent (30%) of the low-income level defined in Section 146-52(2)bl or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42 of the Internal Revenue Service Code, based upon the low-income level defined in Section 146-52(2)bl. The “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” shall consist of the following breakdown of affordable housing units: 205 of the proposed 271 total units (about 76%); 97 of the proposed 124 one-bedroom units (about 78%), 106 of the proposed 134 two-bedroom units; and 2 of the proposed 13 three-bedroom units (about 15%).

**Section 5:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the “Auburn Glenn Mixed-Use Residential/Commercial Enterprise Zone” to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

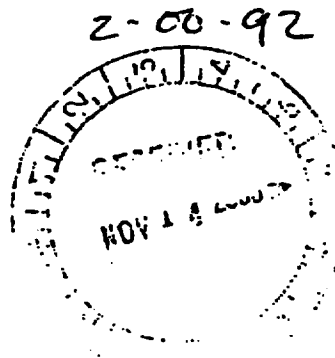
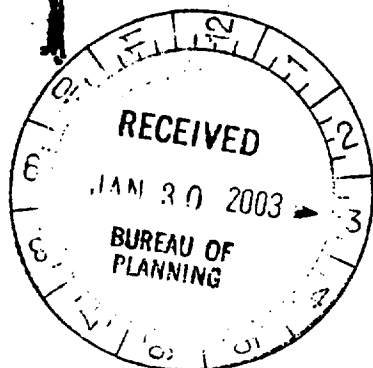
**Section 6:** That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

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EXHIBIT "A"

**ALL THAT TRACT and parcel of land lying and being in Land Lot 45 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:**

**BEGINNING AT A POINT located at the intersection of the southerly side of Chamberlain Street and the southwesterly side of Boulevard; running thence in a westerly direction and along the southerly side of Chamberlain Street a distance of 296.07 feet to a point located at the intersection of the southerly side of Chamberlain Street and the northeasterly side of Fitzgerald Street; running thence South 20 degrees 59 minutes East and along the northeasterly side of Fitzgerald Street a distance of 270.60 feet to a point; running thence South 27 degrees 35 minutes East and continuing along the northeasterly side of Fitzgerald Street a distance of 42.70 feet; running thence South 22 degrees 01 minutes East and continuing along the northeasterly side of Fitzgerald Street a distance of 351.64 feet to a point located at the intersection of the northeasterly side of Fitzgerald Street and the northwesterly side of Todd Street; running thence North 69 degrees 36 minutes 30 seconds East and along the northwesterly side of Todd Street a distance of 228.24 feet to a point located at the intersection of the northwesterly side of Todd Street and the southwesterly side of Boulevard; running thence North 20 degrees 13 minutes West and along the southwesterly side of Boulevard a distance of 261.55 feet to a point; running thence North 18 degrees 48 minutes West and continuing along the southwesterly side of Boulevard a distance of 39.52 feet to a point; running thence North 09 degrees 55 minutes West and continuing along the southwesterly side of Boulevard a distance of 130.34 feet to a point; running thence North 19 degrees 23 minutes West and continuing along the southwesterly side of Boulevard a distance of 123.40 feet to a point located at the intersection of the southwesterly side of Boulevard and the southerly side of Chamberlain Street, same being the point of beginning; said property being in the Butler Street Urban Development Project Redevelopment Plan (said Project having been approved by the Mayor and Alderman of the City of Atlanta on June 15, 1959).**



# AUBURN GLENN MIXED -USE RESIDENTIAL/ COMMERCIAL ENTERPRISE ZONE

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49 BOULEVARD, SE. DIST. 14, LAND LOT 45  
COUNCIL DIST. 5, NPU - M



**UEZ - 03 - 06**



— Npu-m-streets  
□ Npu-m-parcels

**EVALUATION OF THE PROPOSED  
 "AUBURN GLENN MIXED-USE RESIDENTIAL/COMMERCIAL  
 ENTERPRISE ZONE" (UEZ-03-06)  
 TO BE LOCATED AT 49 BOULEVARD, S.E.**

<b>CRITERION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
1. <u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 19.2% for Census Block Group 1 of Census Tract, which is less than the required minimum of 20%.	No.
b. Unemployment	b. Unemployment:  (1) Census Tract having at least 10% higher than the State Average;  OR  (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment:  (1) Census Block Group 1 of Census Tract 33 has an unemployment rate of 13.9%, which is more than 10% higher than the State Average of 4%.  (2)	√
c. General Distress	c. General Distress:  (1) Police Beat crime rate of $\geq 20\%$ compared to the Police Zone;  OR  (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress:  (1)    (2) Applicant has submitted acceptable documentation of the presence of abandoned and/or dilapidated structures within one block of the project area.	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. NPU "M" has $\leq 20\%$ of development activity within the City for non-residential development.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 3.475 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Mixed-Use", per CDP-01-05. Allowed F.A.R.: Determined by the zoning district in which the property is located.	Proposed FARs would comply with the zoning of the property, thus would be consistent with the CDP.	√
4. Zoning Compliance	Zoned "C-3-C" (Commercial/Residential—Conditional), per Z-00-92. The rezoning was not conditioned on a specific site plan, but on other conditions. These include: 1) Development Controls of a) a residential FAR limit of 1.49, b) a non-residential FAR limit of 0.60, and c) a building height limit of 68 feet, as measured from the elevation of the centerline of the adjacent roadway; and 2) nine Sidewalk Conditions.	Proposed uses are allowed within "C-3-C." The development would have a residential FAR not exceeding 1.49, a non-residential FAR not exceeding 0.60, and a building height not exceeding 68 feet, in compliance with the Development Controls conditions of the rezoning. The compliance of the site plan with the Sidewalk Conditions of the rezoning shall be determined by the Bureau of Buildings.	√
5. Project Specificity	Project-Specific Zone or $\geq 50\%$ of Areawide Zone.	Project-Specific.	√
6. Project Readiness	$\geq 30\%$ of housing units to be initiated in Year 1 of the UEZ.	81 units/30% of total.	√
7. Non-Displacement	Minimum Displacement	In April 2002 and prior to any demolition, 21 residents were relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of the Urban Residential Finance Authority.	√
8. Affordability	Twenty percent (20%) of the units for rent, if any, and ten percent (10%) of the units in each housing type and bedroom composition, shall bear monthly rents which do not exceed thirty percent (30%) of the low-income level defined in Section 146-52(2)bl or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42 of the Internal Revenue Service Code, based upon the low-income level defined in Section 146-52(2)bl.	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation:  205 of 271 total units (about 76%); 97 of 124 one-bedroom units (about 78%); 106 of 134 two-bedroom units; and 2 of 13 three-bedroom units (about 15%).	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	To be determined.	
10. Job Creation	First Source Jobs Policy	Would create 6 fulltime, permanent new jobs.	√
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	To be determined by the Bureau of Financial Analysis.	To be determined.